

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Jan 01, 2023

SEAN F. MCAVOY, CLERK

Eastern District of Washington**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Alberto Alejandro Martinez Case Number: 0980 2:22CR00165-TOR-1

Address of Offender: [REDACTED] Moses Lake, Washington 98837

Name of Sentencing Judicial Officer: The Honorable Anna J. Brown, Senior U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: October 18, 2017

Original Offense: Conspiracy to Distribute and Possess with Intent to Distribute Methamphetamine and Cocaine, 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii), (b)(1)(A)(ii) and 846

Original Sentence: Prison - 77 months; Type of Supervision: Supervised Release
TSR - 60 months

Asst. U.S. Attorney: U.S. Attorneys Office Date Supervision Commenced: October 19, 2021

Defense Attorney: Federal Defenders Office Date Supervision Expires: October 18, 2026

PETITIONING THE COURT

To issue a warrant.

On October 27, 2021, the conditions of supervision were reviewed with Mr. Martinez. He signed his judgment acknowledging an understanding of his conditions. Transfer of jurisdiction from the District of Oregon to the Eastern District of Washington was completed on November 23, 2022.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

- 1 **Special Condition #4:** You must participate in a substance abuse treatment or alcohol abuse treatment program, which may include inpatient treatment, and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). The program may include urinalysis testing to determine if you have used drugs or alcohol. You must not attempt to obstruct or tamper with the testing methods.

Supporting Evidence: Mr. Martinez is alleged to have violated the terms of his supervised release by failing to attend treatment on December 7, 2022.

Mr. Martinez began substance abuse treatment services with Renew in Moses Lake, Washington on November 22, 2022. On December 7, 2022, Mr. Martinez contacted this officer to advise he would not be attending treatment as he was in the Tri-Cities, Washington, area, looking for car parts for his vehicle. This officer advised him he would not be excused from group as he could have managed his time appropriately.

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- 2 **Special Condition #6:** You must not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances (e.g., synthetic marijuana, bath salts, etc.) that impair a person's physical or mental functioning, whether or not intended for human consumption, except with the prior approval of the probation officer.

Supporting Evidence: Mr. Martinez is alleged to have violated the terms of his supervised release by using a psychoactive substance, methamphetamine, on or about, December 8, 2022.

On December 8, 2022, Mr. Martinez submitted to a urinalysis. This sample was confirmed positive by Emergent Lab for methamphetamine.

- 3 **Special Condition #4:** You must participate in a substance abuse treatment or alcohol abuse treatment program, which may include inpatient treatment, and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). The program may include urinalysis testing to determine if you have used drugs or alcohol. You must not attempt to obstruct or tamper with the testing methods.

Supporting Evidence: Mr. Martinez is alleged to have violated the terms of his supervised release by failing to attend treatment on December 13 and December 14, 2022.

On December 19, 2022, this officer received notification from Mr. Martinez' Renew treatment counselor stating, Mr. Martinez had failed to attend treatment on December 13 and December 14, 2022. This officer addressed the matter with Mr. Martinez on December 20, 2022. He advised he lacked transportation. This officer informed him it was not an adequate excuse as he resided with his in-laws who were more than capable in assisting him; and if that was not available, he could call for a ride-share to treatment.

- 4 **Special Condition #6:** You must not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances (e.g., synthetic marijuana, bath salts, etc.) that impair a person's physical or mental functioning, whether or not intended for human consumption, except with the prior approval of the probation officer.

Supporting Evidence: Mr. Martinez is alleged to have violated the terms of his supervised release by using a psychoactive substance, methamphetamine, on or about, December 16, 2022.

During a home visit on December 20, 2022, Mr. Martinez admitted to this officer that he last using methamphetamine on December 16, 2022. Mr. Martinez signed a drug use admission form.

- 5 **Special Condition #5:** You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements, (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

Supporting Evidence: Mr. Martinez is alleged to have violated the terms of his supervised release by failing to report a change of address on or about December 27, 2022.

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On December 27, 2022, this officer received notification from Mr. Martinez' significant other that Mr. Martinez was asked to leave the residence and not return. She advised she did not know where he would be staying and his phone would be disconnected. This officer attempted to make contact with Mr. Martinez on December 28, 2022, with no avail. His whereabouts at this time is unknown.

- 6 **Special Condition #4:** You must participate in a substance abuse treatment or alcohol abuse treatment program, which may include inpatient treatment, and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). The program may include urinalysis testing to determine if you have used drugs or alcohol. You must not attempt to obstruct or tamper with the testing methods.

Supporting Evidence: Mr. Martinez is alleged to have violated the terms of his supervised release by failing to attend treatment on December 28, 2022.

This officer contacted Renew Treatment Services in Moses Lake, Washington, on December 29, 2022. It was reported Mr. Martinez failed to appear for group on December 28, 2022.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the offender to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

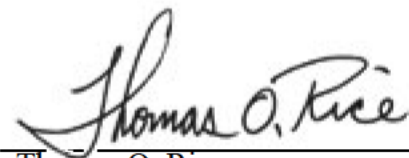
Executed on: December 29, 2022

s/Emely Cubias

Emely Cubias
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
☐ Other



Thomas O. Rice
United States District Judge

January 1, 2023

Date